2008

Oak Lane Homeowners v. Griffin : Brief of Appellant

Utah Court of Appeals

Stephen Quesenberry, Jessica Griffin Anderson; Hill, Johnson & Schmutz; attorneys for appellant.
Shawn D. Turner; Larson, Turner, Dalby & Ethington; attorneys for appellee.

IN THE UTAH COURT OF APPEALS

OAK LANE HOMEOWNERS ASSOCIATION, Plaintiff/Appellant, vs. DENNIS L. GRIFFIN and RENAE GRIFFIN, Defendants/Appellees.	**BRIEF OF APPELLANT** Case No. 20080089 District Court Case No. 030405130

Appeal from the Fourth Judicial District Court, Utah County, State of Utah
The Honorable Fred D. Howard

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JURISDICTIONAL STATEMENT

This Court's jurisdiction rests upon Utah Code Annotated Section 78A-4-103(2)(j) (2008).

STATEMENT OF THE ISSUES

Issue #1: Did the trial court err in finding as a matter of law that an easement was created by plat, creating a new type of easement while ignoring the four types of easements (express, implied, necessity, and prescriptive) recognized under Utah law?

Standard of review: Correctness or de novo. "The question of whether or not an easement exists is a conclusion of law." *Potter v. Chadaz*, 1999 UT App 95, ¶7, 977 P.2d 533. On appeal, the court reviews "the trial court's grant of summary judgment for correctness, according no deference to the trial court's conclusions of law." *Id.*

Preservation for Appeal. R. at 519-539.

Issue #2: Did the trial court err in granting Defendants' motion for summary judgment?

Standard of review: De novo. "Because, by definition, a district court does not resolve issues of fact at summary judgment. we consider the record as a whole and review the district court's grant of summary judgment de novo, reciting all facts and fair inferences drawn from the record in the light most favorable to the nonmoving party." *Poteet v. White*, 2006 UT 63, ¶7, 147 P.3d 439.

Preservation for Appeal. R. at 519-539.

CONSTITUTIONAL OR STATUTORY PROVISIONS

There is no constitutional or statutory provision material to this appeal.

STATEMENT OF THE CASE

This case involves a dispute over a private lane, Oak Lane, in Alpine, Utah. Plaintiff appeals the trial court's decision to grant Defendants' motion for summary judgment, specifically the finding that Defendants have an easement over Oak Lane as a matter of law.

Procedural History

Plaintiff/Appellant Oak Lane Homeowners Association ("the Association") filed this case in district court on November 19, 2003. (R. 2-10.) On April 7, 2004, Defendants/Appellees Dennis Griffin and Renae Griffin (collectively "the Griffins") filed a motion for summary judgment. (R. 210-288.) On August 20, 2004, the trial court granted the Griffins' motion, based on its own research. (R. 374-78.) On December 8, 2004, the trial court issued a second ruling granting the Griffins' motion, this time on a different basis than that of the August 20, 2004 ruling. (R. 441-46.) The Association appealed the trial court's rulings to this Court. (R.457-58.) On November 24, 2006, this Court reversed the trial court, finding that an issue of fact precluded summary judgment, and remanded for further proceedings. (R. 473-76.)

Back in the trial court, the Griffins filed a second motion for summary judgment on July 16, 2007. (R. 660-673.) After briefing and oral arguments, the trial court granted the Griffins' motion and entered findings of fact and conclusions of law and judgment on December 21, 2007, finding that the Griffins were entitled to an easement on Oak Lane

by virtue of the subdivision plat.[1] (R. 600-04.) The Association again appeals to this Court.

Statement of Facts

Oak Lane is a private lane in the Oak Hills Subdivision. (R. 532.) The Oak Hills Subdivision was platted in 1977. *Id.* On January 13, 1977, the seven original owners of the five lots in the subdivision signed the plat.[2] *Id.* In the "Owner's Dedication" on the plat, the owners expressly refused to dedicate the "Private Lane" to the public by striking the dedicatory language:

> KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS ~~AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC~~.

Id. The Alpine City Council accepted the plat on the same day, likewise striking the dedicatory acceptance language:

> THE CITY COUNCIL OF ALPINE CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION ~~AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS 13th DAY OF JANUARY, A.D. 1977.~~

Id. The plat was recorded on February 2, 1977. *Id.*

The Griffins purchased Lot 2 of the Oak Hills Subdivision on January 12, 1988.

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1 A true and correct copy of the trial court's findings is included as Addendum A.
2 A true and correct copy of the Oak Hills Subdivision plat is included as Addendum B.

(R. 132, 139.) Lot 2 is accessed through a public road, High Bench Road. (R. 141.) In fact, the garage on Lot 2 can only be accessed via High Bench Road. (R. 123.) The original owners of Lot 2, the Van Wagoners, understood that Oak Lane was a private road and used it only with permission. (R. 122-24, 128-130.) The Van Wagoners did not transfer any interest in Oak Lane to the subsequent owners of Lot 2. *Id.* The second owners of Lot 2, the Watkins, also understood that Oak Lane was a private road and used it only with permission. (R. 131-139.) The Griffins, the third owners of Lot 2, have occasionally used Oak Lane by driving and parking their vehicles on it. (R. 305.)

On September 11, 2003, the seven original owners of the Oak Hills Subdivision (and Oak Lane) transferred their interest in Oak Lane via quitclaim deed to the Association. (R. 535-39.) The Association works to maintain the physical and legal aspects of Oak Lane as a private lane. (R. 305.) In an effort to prevent the Griffins' then unauthorized use of Oak Lane, in October and November 2003, the Association placed boulders on Oak Lane near Lot 2. *Id.* When the Griffins continued using Oak Lane, the Association filed this lawsuit.

SUMMARY OF ARGUMENT

In this case, the trial court incorrectly granted summary judgment, finding that the Griffins have an easement over the private road, Oak Lane, by virtue of a subdivision plat, even though the Griffins have access to their property via a public road.

This Court reviews a grant of summary judgment de novo, giving no deference to the trial court. The trial court in this case erred when it granted the Griffins' motion for summary judgment because the Griffins were not entitled to judgment as a matter of law and there were disputed issues of material fact.

The Griffins were not entitled to judgment as a matter of law and therefore were not entitled to summary judgment. The trial court found that the Griffins have an easement over Oak Lane by virtue of the subdivision plat, which includes the Griffins' lot, Lot 2. Utah law recognizes only four types of easements: express, implied, prescriptive, and necessity. The Griffins do not meet the requirements of any of these easements. Since an easement by plat is not recognized by Utah law, the Griffins are not entitled to judgment as a matter of law and the trial court erred in granting summary judgment.

Additionally, there are disputed issues of fact as to the Griffins' use of Oak Lane and as to the nature of the ownership of Oak Lane, which prevent summary judgment. First, the Griffins claim that they have used Oak Lane to non-permissively access their property for a number of years. The Association, on the other hand, claims that the use was infrequent and done permissively until October 2003. Second, the Association

claims full ownership rights to Oak Lane by virtue of a quitclaim deed from the original owners of Oak Lane. The Griffins, on the other hand, claim that the quitclaim deed of the lane to the Association was invalid and that the individual owners of the lots in the Oak Hills Subdivision own the road. In light of the above disputed facts, the trial court erred in granting summary judgment.

This Court should therefore reverse the grant of summary judgment and remand this case back to the trial court for a trial.

ARGUMENT

The trial court erred when it granted the Griffins' motion for summary judgment and found that the Griffins had an easement over a private lane by virtue of a subdivision plat. Under the Utah Rules of Civil Procedure, a court may not grant summary judgment unless the moving party establishes "[1] that there is no genuine issue as to any material fact *and* [2] that the moving party is entitled to judgment as a matter of law." Utah R. Civ. P. 56(c) (emphasis added); see also *Oak Lane Homeowners Ass'n v. Griffin*, 2006 UT App 465, ¶6, 153 P.3d 740. When a court addresses a motion for summary judgment, it "must evaluate all the evidence and all reasonable inferences fairly drawn from the evidence in a light most favorable to the party opposing summary judgment." *Bowen v. Riverton City*, 656 P.2d 434, 436 (Utah 1982).

This Court reviews a trial court's grant of summary judgment de novo, *Poteet v. White*, 2006 UT 63 at ¶7, and should therefore reverse the trial court's decision because not only did questions of fact exist with regard to the ownership and use of the road, the Griffins were not entitled to judgment as a matter of law.

First, the Griffins were not entitled to judgment as a matter of law. The Griffins cannot meet the requirements for any of the four types of easements recognized by Utah courts. Further, there is no support under Utah law for an easement by virtue of a plat. Thus, this Court should reverse the grant of summary judgment and remand this case back to the trial court for a trial on the merits.

Additionally, the Griffins were not entitled to summary judgment because there

were genuine issues as to material facts. In particular, there are questions relating to the use, ownership and nature of Oak Lane.

I. SUMMARY JUDGMENT WAS INAPPROPRIATE BECAUSE THE GRIFFINS WERE NOT ENTITLED TO JUDGMENT AS A MATTER OF LAW.

The Griffins did not establish a right to an easement, and therefore judgment as a matter of law, under current Utah law. Utah law recognizes four, and only four, types of easements. These four easements are express, implied, prescriptive, and necessity. *See Potter*, 1999 UT App 95 at ¶8. These four types of easements have been recognized under Utah law for decades and have express and settled requirements. As will be shown below, the Griffins cannot demonstrate that they have satisfied all of the requirements of any of the four types of easements.

Because there are only four types of easements recognized under Utah law, the trial court erred in finding that the Griffins had an easement over Oak Lane by virtue of the Oak Hills Subdivision plat. This new type of easement has no basis in Utah law. The Griffins were therefore not entitled to judgment as a matter of law and summary judgment should not have entered against the Association.

A. The Griffins Were Not Entitled To Judgment As A Matter Of Law Because They Could Not And Cannot Meet The Requirements Of Any Of The Four Easements Recognized Under Utah Law.

The Griffins do not have an easement on Oak Lane. As noted above, four easements are recognized under Utah law: express, implied, prescriptive, and necessity. *See Potter*, 1999 UT App 95 at ¶8. The Griffins do not meet all of the requirements of

any of the four types of easements.

1. The Griffins Do Not Have An Express Easement Because There Is No Indication That The Parties Intended The Griffins To Have Such An Easement.

The Griffins do not have an express easement over Oak Lane. An express easement is the most common type of easement, and it is "expressly created between two parties in a land transaction or conveyance by an express grant or an express reservation." *Potter*, 1999 UT App 95 at ¶9. There are no specific requirements for the creation of an express easement, so Utah courts look to the "'intent of the parties to an agreement purportedly transferring real property . . . . Words that clearly show intention to grant an easement are sufficient, provided the language is certain and definite in its term.'" *Id.* (quoting *Warburton v. Virginia Beach Fed Sav & Loan Ass'n*, 899 P.2d 779, 781-82 (Utah Ct. App. 1995)). Additionally, creation of an express easement requires the mutual assent of the parties, as well as consideration. *Id.*

In this case, there is indisputably no indication that any owner of Lot 2 ever transferred or conveyed an express easement to the Griffins, written or otherwise. In fact, all the evidence indicates the contrary. Lot 2's previous owners acknowledge that they used Oak Lane with permission of the original owners, not because they had any kind of an easement on the road. (R. 122-24, 128-130, 131-139.) Further, the Griffins cannot point to any document, fact, or circumstance indicating they have an express easement.

Therefore, the Griffins do not have an express easement on Oak Lane and were not entitled to judgment as a matter of law under this tenet of the law.

2. The Griffins Do Not Have An Easement By Implication Because, At A Minimum, The Easement Was Not Necessary For The Enjoyment Of Their Property.

The Griffins do not have an implied easement over Oak Lane. Under Utah law, an easement by implication requires

> (1) that unity of title was followed by severance; (2) that the servitude was apparent, obvious, and visible at the time of severance; (3) that the easement was reasonably necessary to the enjoyment of the dominant estate; and (4) that the use of the easement was continuous rather than sporadic.

Butler v Lee, 774 P.2d 1150, 1152 (Utah Ct. App. 1989). In this case, Oak Lane is not "reasonably necessary to . . . enjoy[]" Lot 2. Indeed, Lot 2 was designed such that it was accessible via High Bench Road. (R. 141.) Thus, since that element of the test for an easement by implication is not satisfied, the Griffins do not have the easement.

Moreover, the Griffins do not meet any of the other elements for an implied easement. They have not shown (and cannot show) that unity of title was followed by severance, that the servitude was apparent at that time, and that the use was continuous rather than sporadic.

Therefore, the Griffins do not have an implied easement on Oak Lane and were not entitled to judgment as a matter of law under this tenet of the law.

3. The Griffins Do Not Have A Prescriptive Easement Because, At A Minimum, The Twenty-Year Adverse Use Requirement Is Not Met.

The Griffins do not have a prescriptive easement over Oak Lane. To establish a prescriptive easement in Utah, a party must show "a use that is (1) open, (2) notorious, (3) adverse, and (4) continuous for at least twenty years." *Potter*, 1999 UT App 95 at ¶17.

While the Griffins' use of Oak Lane may have been open and notorious, the Griffins' use of Oak Lane has not been adverse for a period of at least twenty years. In fact, the Griffins' use was not adverse until October 2003, when the Association, for the first time, sought to prevent the Griffins' from using Oak Lane. (R. 141-42, 226.)

Thus, it clear that the Griffins do not have a prescriptive easement on Oak Lane.

4. The Griffins Do Not Have An Easement By Necessity Because Another Road Exists That Was Designed As The Ingress And Egress To And From Their Lot.

The Griffins do not have an easement by necessity over Oak Lane. An easement by necessity arises "'when there is a conveyance of part of a tract of land which is so situated that either the part conveyed or the part retained is surrounded with no access to a road to the outer world.'" *Potter*, 1999 UT App 95 at ¶18. (quoting *Tschaggeny v. Union Pac. Land Resources Corp.*, 555 P.2d 277, 280 (Utah 1976)).

In *Potter*, the Utah Court of Appeals declined to find an easement by necessity where the property at issue was not landlocked. *Id.* The court recognized that the party asserting that claim had "at least one" other access route to her property, and therefore, she could not establish an easement by necessity. *Id*

Similarly, in this case, the Griffins' land is not landlocked; they have "at least one" other access route to their property. It is accessible to and from High Bench Road, an adjacent public thoroughfare. (R. 141.) In fact, the garage on Lot 2 is only accessible via High Bench Road. (R. 123.) Therefore, the Griffins do not have an easement by necessity on Oak Lane. The Griffins do not meet the requirements for any easement

under Utah law.

B. The Griffins Were Not Entitled To Judgment As A Matter Of Law Because An Easement By Plat Is Not Recognized Under Utah Law.

Because there is no easement by plat in Utah, the Griffins are not entitled to judgment as a matter of law. As has been noted above, Utah law recognizes four types of easements express, implied, prescriptive, and necessity. *See Potter*, 1999 UT App 95 at ¶8. There is no Utah case law or statute that recognizes an easement by plat. Even in the Griffins' pleadings in support of their motion for summary judgment, they do not cite one Utah case or one Utah statute in support of the easement by plat. The Griffins merely cite opinions found in *Thomas and Backman on Utah Real Property Law*, *Utah Real Estate Law for Brokers and Salespersons*, and *American Jurisprudence*, and the law in other states. (R. 643, 547-49.) None of the Griffins' sources cite Utah law in support of the alleged "easement by plat," and none of them are binding sources of Utah law. Neither the Griffins nor the trial court cite Utah law in support of their newly created "easement by plat."

The trial court erred in creating an easement by plat. Courts in general and trial courts in particular are not the appropriate forum for creating law. Utah courts have long acknowledged that "[t]he right and power, as well as the duty, of creating rights and to provide remedies, lies with the Legislature, and not with the courts. Courts can only protect and enforce existing rights, and they may do that only in accordance with established and known remedies." *Brown v. Wightman*, 47 Utah 31, 34, 151 P. 366, 367 (1915). More recently, the Utah Supreme Court noted that "[c]ourts are ill-suited for such

ventures [into lawmaking]. Courts are unable to fully investigate the ramifications of social policies and cannot gauge or build the public consensus necessary to effectively implement them." *Jones v. Barlow*, 2007 UT 20, ¶36, 154 P.3d 808.

Utah's easement laws are clear and established. The trial court was therefore restricted to protecting and enforcing existing rights in accordance with established and known remedies. In this case, the trial court improperly created law and a new type of easement, despite the fact that the Griffins could not identify a single case or statute creating an easement by plat under Utah law. A judicially created "easement by plat" is ill-considered, particularly in this case. It is clear that the initial owners of Lot 2 never intended to use Oak Lane. Creating access to Oak Lane outside of settled Utah law is improper and an insufficient basis on which to grant summary judgment.

In light of the Griffins' failure to meet the requirements for any of the four types of easements recognized under Utah law, the trial court erred in granting summary judgment, and this Court should reverse and remand for a trial.

II. ADDITIONALLY, SUMMARY JUDGMENT WAS INAPPROPRIATE BECAUSE GENUINE ISSUES OF FACT EXISTED REGARDING THE USE AND OWNERSHIP OF OAK LANE.

There are disputed issues of fact in this case as to the Griffin's use of Oak Lane and as to the exact nature and ownership of Oak Lane.

First, there is a genuine issue as to the nature and extent of the Griffins' use of Oak Lane. The Association claims that the Griffins' use of Oak Lane was sporadic and more for additional parking than for access to their home. (R. 306.) The Association further

claims that the Griffins' use of Oak Lane was permissive until October 2003, when the Association sought to stop the use. (R. 306, 142.) The Griffins claim that they "accessed [their] home on Lot 2 on a nearly daily basis" via Oak Lane. (R. 226.) The Griffins admit that they used Oak Lane "until October, 2003." *Id.* These issues of fact regarding use are material and should have prevented the entry of summary judgment.

Second, there is a genuine issue as to the nature of the ownership of Oak Lane. The Association claims ownership of Oak Lane by virtue of a quitclaim deed from the original owners of Oak Lane. (R. 535-39.) The Griffins', on the other hand, claim that Oak Lane is owned by the current owners of the subdivision and that the quitclaim deed is ineffective to convey title of Oak Lane to the Association.

Further, there is indisputably a question of fact as to Oak Lane's status as a private lane. As this Court held before in this case, "the question of whether Oak Lane was deemed a common-use private lane [rather than a generic private lane] presents a disputed issue of material fact." *Oak Lane Homeowners Ass'n v. Griffin*, 2006 UT App 465, ¶10, 153 P.3d 740. Despite this explicit finding by this Court, the trial court, on remand, made no effort to determine whether Oak Lane was deemed a common-use private lane. In fact, the trial court immediately granted a motion for summary judgment, on the eve of trial, again finding that there were no disputed facts. These issues of fact regarding the ownership of Oak Lane are material and should have prevented the entry of summary judgment.

In light of the above disputed facts as to Oak Lane's use, ownership, and nature,

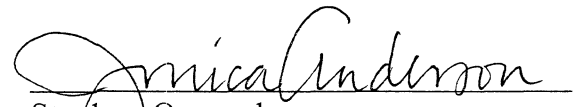
the trial court erred in granting summary judgment, and this Court should reverse and remand for a trial.

CONCLUSION

Therefore, in light of the foregoing, this Court should reverse the trial court's grant of summary judgment in the Griffins' favor and remand this case back to the trial court for a trial.

RESPECTFULLY SUBMITTED this 12th day of November 2008.

HILL, JOHNSON & SCHMUTZ, LC



Stephen Quesenberry
Jessica Griffin Anderson
Attorneys for Plaintiff/Appellant

PROOF OF SERVICE

I hereby certify that, on the 12th day of November 2008. two true and correct copies of the foregoing **BRIEF OF APPELLANT** were hand-delivered to the following:

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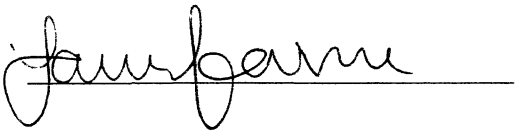

ADDENDA

Addendum A - Findings of Fact and Conclusions of Law (December 21, 2007)

Addendum B - Oak Hills Subdivision Plat (January 13, 1977)

Addendum “A”

Addendum “A”

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IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH

OAK LANE HOMEOWNERS ASSOCIATION, Plaintiff, v. DENNIS L. GRIFFIN and RENAE GRIFFIN; Defendants	FINDINGS OF FACT & CONCLUSIONS OF LAW Civil No. 030405130 Judge Fred D. Howard
DENNIS L. GRIFFIN and RENAE GRIFFIN, Counterclaim Plaintiffs, v. OAK LANE HOMEOWNERS ASSOCIATION; Counterclaim Defendant.	

This matter came before the Court on October 1, 2007 for hearing on Defendants' Motion for Summary Judgment Plaintiffs were present and represented by their counsel Stephen Quesenberry. Defendant Renae Griffin was present as was Griffins' counsel Shawn D. Turner.

The Court having read the pleadings related to this matter filed by the respective parties and having heard oral argument as presented by respective counsel it hereby finds as follows:

FINDINGS OF FACT

1. The Alpine City Council approved and accepted the Oak Hills Haven plat, which contained five lots, on January 13, 1977.

2. In the Owners' Dedication section of the plat all of the original owners of the land executed a section which reads:

> KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF ALL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS MAP, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AND DO HEREBY DEDICATE THE STREETS AND OTHER PUBLIC AREAS AS INDICATED HEREON FOR PERPETUAL USE OF THE PUBLIC.

3. The portion of the Dedication beginning with "AND DO HEREBY" and continuing thereafter to the end is crossed out on the plat.

4. The plat clearly identifies Oak Lane as a "Private Lane".

5. The Oak Hills Haven Subdivision consists of five lots.

6. Defendants, Dennis and ReNae Griffin own Lot 2 of the Oak Hills Haven Subdivision.

7. The Griffins purchased the property in 1988.

8. For almost sixteen years, and until October of 2003, the Griffins accessed their home on Lot 2 on a nearly daily basis by using Oak Lane, the cul de sac in the Oak Hills Haven Subdivision.

9. In 2003 all of the other lot owners in the Subdivision formed the Oak Lane Homeowners Association.

10. On or about July 22, 2003, the Association obtained a quit claim deed from the original owners of the lots in the subdivision to the property comprising the road.

11. Based solely on this quit claim deed, the Plaintiff claims ownership of the road.

CONCLUSIONS OF LAW

1. Plaintiff has standing to bring its action in this matter.

2. When the Oak Lane Subdivision was created, an easement was created over the private lane,

contained in the subdivision, for all those property owners who abut the lane

3 The Griffins are property owners whose property abuts the lane

4 The Griffins property was sold to them by reference to the recorded Plat and their property is described by reference to that plat

5 The Griffins have an easement, for access, ingress and egress from Oak Lane to their property

Dated this 21 day of December, 2007

BY THE COURT

Hon. Fred D Howard
District Court Judge

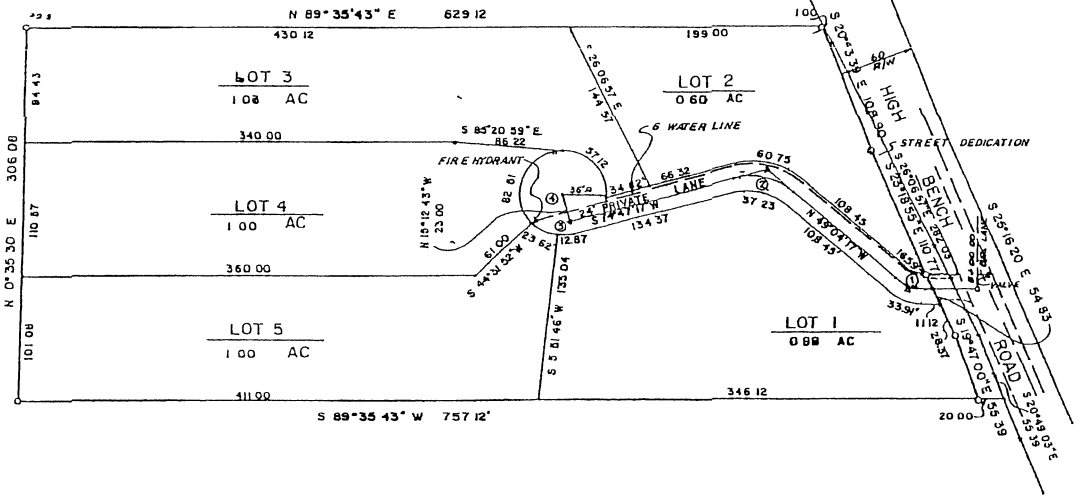
Addendum “B”

Addendum “B”

Map Library # 1002

3668

RECORDED AT THE REQUEST OF
Steve L. Taylor
BY
'77 FEB -2 PM 3:46
WHEN RECORDED MAIL TO
STATE OF UTAH
DEPT. OF HIGHWAYS
FEE 50
ENTRY NO. 12
BOOK 47 PAGE 12



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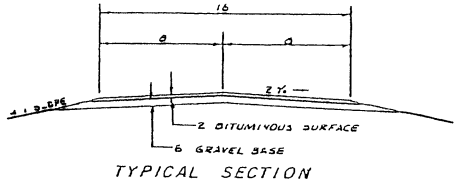
R = 35
T = 13 20
L = 25 25

② PI = 2+00 92
Δ = 56 08 26 Lt
R = 50
T = 26 66
L 48 99

③ PI = 3+57 62
Δ = 90 00 Rt

④ RADIUS POINT (35)
STA 3+80 62



TYPICAL SECTION

PRIVATE LANE

SURVEYOR'S CERTIFICATE

I GORDON A HAYNES DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYO AND THAT I HOLD CERTIFICATE NO. 979 AS PRESCRIBED UNDER THE LAWS OF THE ST TE C UTAH I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT C LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAN INTO LOTS BLOCKS, STREETS, AND EASEMENTS AND THE SAME HAS BEEN CORRECTLY SURVEYED AN STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS PLAT IS TRUE AND CORRE

BOUNDARY DESCRIPTION

COMMENCING SOUTH 1364 32 FEET & EAST 10 73 FEET FROM THE NORTH 1/4 CORNER OF SECTION 30 T 4 S R 2 E.
SALT LAKE BASE & MERIDIAN, THENCE AS FOLLOW

COURSE	DISTANCE	REMARKS
N 89° 35' 43" E	629 12	
S 20° 53' 35" E	108 90	
S 25° 18' 55" E	110 77	
S 25° 16' 20" E	54 93	
S 19° 47' 00" E	55 39	
S 89° 35' 43" W	757 12	
N 0° 35' 30" E	306 08	ALONG FENCE TO POINT OF BEGINNING

BASIS OF BEARING = UTAH PLANE COORDINATES

12 2 76
DATE

SURVEYOR

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, ALL OF THE UNDERSIGNED OWNERS OF LL OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND SHOWN ON THIS PLAT HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, BLOCKS, STREETS AND EASEMENTS AS SHOWN HEREON AND DESIGNATED THE STREETS AND OTHER PUBLIC AREAS AS SHOWN HEREON FOR PERPETUAL USE OF THE PUBLIC

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 12th DAY OF December A.D. 1977

OWNER

OWNER

OWNER

OWNER

ACKNOWLEDGEMENT

STATE OF UTAH }
COUNTY OF UTAH } S.S.

ON THE 12th DAY OF December A.D. 1977 PERSONALLY APPEARED BEFORE ME THE SIGNERS OF THE FOREGOING DEDICATION WHO DULY ACKNOWLEDGE TO ME THAT THEY DID EXECUTE THE SAME

MY COMMISSION EXPIRES 12/12/77

NOTARY PUBLIC

ACCEPTANCE BY LEGISLATIVE BODY

THE City Council OF Alpine City COUNTY OF UTAH APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PURPOSES AND USE OF THE PUBLIC THIS 13th DAY OF December A.D. 19 77

APPROVED

ENGINEER

ATTEST

CLERK RECORDER

BOARD OF HEALTH

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS Approved City Water

CITY-COUNTY HEALTH DEPARTMENT

PLANNING COMMISSION APPROVAL

APPROVED THIS 3rd DAY OF Jan A.D. 19 77 BY THE PLANNING COMMISSION

DIRECTOR-SECRETARY

CHAIRMAN, PLANNING COMMISSION

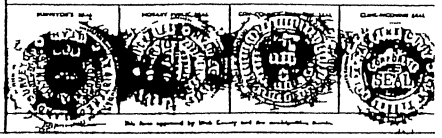
PLAT A

OAK HILLS HAVEN

SUBDIVISION

ALPINE CITY UTAH COUNTY UTAH

SCALE 1" = 50 FEET



This Plat approved by Utah County and the accompanying bonds.

12-3

REV 1 20 77
REV 12 13 76